

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMIE MADRIGAL MENDEZ,  
Plaintiff,  
v.  
C-TWO GROUP, INC., et al.,  
Defendants.

Case No. 13-cv-05914-HSG

**ORDER GRANTING PLAINTIFF'S  
MOTION TO CERTIFY CLASS**

Re: Dkt. No. 64

On May 28, 2015, the Court held a hearing on Plaintiff's Motion to Certify Class (Dkt. No. 64). At the hearing, the Court expressed its view that the central arguments presented in opposition to Plaintiff's class certification motion actually address merits questions most appropriately decided on a dispositive motion. Specifically, the Court noted that Defendants' claim that Plaintiff and the other putative class members consented to receiving text messages by entering their information on the Infusion Lounge website is likely subject to resolution on a class-wide basis. The Court urged the parties to be prepared to frame this issue for decision as promptly as possible if a class were to be certified.

With regard to the class certification motion, as indicated at the hearing, the Court finds that Plaintiff has met her burden under Federal Rule of Civil Procedure 23, and thus GRANTS the Motion to Certify Class. The Court certifies the following class: All individuals who entered their contact information online through Infusion Lounge's website and were sent a text message from SMS Short Code 99158 that referenced the Infusion Lounge from November 5, 2009 through October 15, 2013. *See* Reply at 1 (Dkt. No. 72). The Court will issue a written order setting out its analysis of the Rule 23 factors as soon as practicable.


Within seven days of this Order, the parties shall meet and confer and jointly file a

1 proposed case schedule. The schedule should include fact and expert discovery deadlines and a  
2 dispositive motion briefing schedule, including a deadline for the motion to be heard. Based on  
3 the Court's discussion with the parties at the hearing, the Court anticipates that a dispositive  
4 motion focused on this consent issue should be able to be filed within approximately two months  
5 of the issuance of this order (i.e., by August 6, 2015).

6 In addition, the parties shall also submit a proposed protective order that tracks the  
7 Northern District of California's Model Stipulated Protective Order for Standard Litigation, or  
8 explain the basis for any requested deviations from the Model Order, as required by this Court's  
9 May 3, 2015 Order (Dkt. No. 62).

10 **IT IS SO ORDERED.**

11 Dated: 6/2/2015

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13 HAYWOOD S. GILLIAM, JR.  
14 United States District Judge  
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